

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SUMMER STOCKBRIDGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-18-1261-SLP
	)	
CHARLES CLAY DAWSON and	)	
INDEPENDENT SCHOOL DISTRICT	)	
NO. 115 OF POTTAWATOMIE	)	
COUNTY, STATE OF OKLAHOMA,	)	
	)	
Defendants.	)	

**ORDER**


Before the Court is the Partial Motion to Dismiss [Doc. No. 6] filed by Defendant Independent School District No. 115 of Pottawatomie County (also known as Wanette Public Schools). It is at issue. *See* Resp., Doc. No. 17; Reply, Doc. No. 18.

Among other arguments in its motion, the School District argues that Plaintiff has not stated a 42 U.S.C. § 1983 claim based on substantive due process via the danger creation doctrine. Both parties have addressed the six-factor test required in a danger creation claim, but neither party has addressed the prerequisites to reaching that test. *See Gray v. Univ. of Colo. Hosp. Auth.*, 672 F.3d 909, 927-30 (10th Cir. 2012); *see also id.* at 920 n.8 (affirming the six-factor test discussed by the parties, but reiterating that it only applies once “[two] preconditions necessary in this Circuit—affirmative conduct and private violence—to invok[e] the state-created danger theory” have been met). The Court, therefore, directs Plaintiff and the School District to submit supplemental briefing on the

issue of whether the Court may reach the six-factor test at this stage of the case or what other actions should be taken by the Court.

IT IS THEREFORE ORDERED that the parties are to submit supplemental briefing as directed herein within 14 days of the issuance of this Order. The parties' supplemental briefs shall not exceed 10 pages. Responses to the opposing party's briefs (also not be exceed 10 pages) may be filed within 14 days of the brief being responded to. Reply briefs are not anticipated.

IT IS SO ORDERED this 11<sup>th</sup> day of July, 2019.

  
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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE